

25316. Adulteration of tomato puree. U. S. v. Holley Canning Co., Inc. Plea of guilty. Fine, \$200. (F. & D. no. 35927. Sample no. 26050-B.)

This case was based on an interstate shipment of tomato puree that contained excessive mold.

On October 7, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Holley Canning Co., Inc., Holley, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 2, 1935, under the name of the Oswego Preserving Co., from the State of New York into the State of Massachusetts, of a quantity of tomato puree which was adulterated. The article was labeled in part: "Oswego Brand * * * Tomato Puree Oswego Preserving Company Distributors Oswego, N. Y."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On November 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25317. Misbranding of cottonseed cake. U. S. v. Osceola Cotton Oil Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 35929. Sample no. 27410-B.)

This case was based on a shipment of cottonseed cake which contained less protein than declared on the label.

On August 28, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court, an information against the Osceola Cotton Oil Co., Inc., Osceola, Ark., alleging shipment by said company, under the name of the Choctaw Sales Co., in violation of the Food and Drugs Act, on or about November 7, 1934, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed cake that was misbranded. The article was labeled in part: "Guaranteed Analysis Protein, not less than—41% * * * Choctaw Sales Company * * * Kansas City, Missouri."

The article was alleged to be misbranded in that the statement, "Guaranteed Analysis Protein, not less than 41%", borne on the tags attached to the sacks containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not contain 41 percent of protein but did contain a lesser amount.

On October 12, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25318. Misbranding of compound vegetable oil. U. S. v. Eugenio Testa. Plea of guilty. Fine, \$10. (F. & D. no. 35932. Sample no. 14530-B.)

This case was based on a shipment of a product which was represented to be a compound vegetable oil blended with Italian olive oil. Examination showed that it consisted of cottonseed oil containing practically no olive oil, and that the cans were short in volume.

On September 9, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Eugenio Testa, Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about August 14, 1934, from the State of Massachusetts into the State of Vermont, of a quantity of compound vegetable oil which was misbranded. The article was labeled in part: "Net Contents One Gallon Extra Fine Quality Oil. La Gloriosa Brand * * * A Compound of High Grade Vegetable Oil Blended with Italian Olive Oil * * * Packed by G. S. Co."

The article was alleged to be misbranded in that the statement, "Net Contents One Gallon Extra Fine Quality Oil La Gloriosa Brand Specialty Bari A Compound of High Grade Vegetable Oil Blended with Italian Olive Oil * * * Olio Finissimo La Gloriosa Brand Premiato All' Esposizione Di Roma 1924", together with designs and devices of the Italian crown and figures in Roman costumes, borne on the can label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements and designs represented that the cans contained 1 gallon of the article, that it was composed in part of olive oil and that it was produced in Italy; whereas the cans did not each contain 1 gallon of the article, but did contain a less amount, it was not com-